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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/804,489	03/18/2004	Vincent J. Zimmer	42P18506	7634
<div>7590      10/19/2007</div> <div>Anthony H. Azure BLAKELY, SOKOLOFF, TAYLOR &amp; ZAFMAN LLP Seventh Floor 12400 Wilshire Boulevard Los Angeles, CA 90025</div>				
			EXAMINER VO, TED T	
			ART UNIT 2191	PAPER NUMBER
			MAIL DATE 10/19/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/804,489

Applicant(s)

ZIMMER ET AL.

Examiner

Ted T. Vo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 August 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3, 7-12, 15-19 and 21-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 1-3, 7-12, 15-19, 21-23 is/are allowed.
- 6) ☒ Claim(s) 24-26 is/are rejected.
- 7) ☒ Claim(s) 27 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

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### DETAILED ACTION

1. This action is in response to the amendment filed as RCE on 08/13/07.

Claims 1-3, 7-12, 15-19, 21-27 are pending in the application.

### *Specification*

2. The specification has been amended with adding the section heading "**BRIEF SUMMARY OF THE INVENTION**" and with the phase "**Not Applicable**" followed under the section heading.

### *Response to Arguments*

3. With regard to the argument in the remarks filed on 08/13/07 directing to the rejection under 102, in the remarks, Applicants addressed that (remarks: p.10)

A claim is anticipated only if each and every element of the claim is found in a single reference. M.P.E.P. § 2131 (citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628 (Fed. Cir. 1987)). "The identical invention must be shown in as complete detail as is contained in the claim." M.P.E.P. § 2131 (citing *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226 (Fed. Cir. 1989)).

It should be noted that,

In rejecting claims under 35 U.S.C. § 102, a single prior art reference that discloses, **either expressly or inherently**, each limitation of a claim invalidates that claim by anticipation. *Perricone v. Medicis Pharmaceutical Corp.*, 432 F.3d 1368, 1375-76, 77 USPQ2d 1321, 1325-26 (Fed. Cir. 2005), citing *Minn. Mining & Mfg. Co. v. Johnson & Johnson Orthopaedics, Inc.*, 976 F.2d 1559, 1565, 24 USPQ2d 1321, 1326 (Fed. Cir. 1992). **Anticipation of a patent claim requires a finding that the claim at issue "reads on" a prior art reference.** *Atlas Powder Co. v. IRECO, Inc.*, 190 F.3d 1342, 1346, 51 USPQ2d 1943, 1945 (Fed. Cir. 1999) ("In other words, if granting patent protection on the disputed claim would allow the patentee to exclude the public from practicing the prior art, then that claim is anticipated, regardless of whether it also covers subject matter not in the prior art.") (internal citations omitted).

**Claim Rejections - 35 USC § 102**

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

5. Claims 24-26 are rejected under 35 U.S.C. 102(a) as being anticipated by Garfinkel et al., "Terra: A Virtual Machine-Based Platform for Trusted Computing", ACM, 2003.

Given the broadest reasonable interpretation of followed claims in light of the specification.

As per Claim 24: Garfinkel discloses,

*A method, comprising:*

***loading a virtual machine monitor (VMM) to support a plurality of virtual machines in a computer system, the VMM including a VMM multiplexer*** (see p.194, left col., last paragraph, "allow many virtual machines (VMs) to run...": *plurality of virtual machines*. See Figure 1, TVMM: "VMM": i.e., TVMM is

loaded in a hardware platform); ***loading a first and a second virtual machine (VM) supported by the VMM*** (See sec. 2, p. 194, TERRA allows multiple VMs running independently and concurrently, e.g., see left col., last paragraph of p. 194. See p. 196, left col., third paragraph);

***and sharing a trusted hardware device between the first VM and the second VM using the VMM multiplexer*** (refer TVMM, T: trusted; see p. 194, right col., last paragraph, "multiplex");

***receiving a request for a VMM service that is associated with the first VM, wherein the request comprises a challenger hash value*** (see p. 201, Secure Storage);

***computing a current compound hash value based on a combination of the first VM platform configuration including the challenger hash value and the second VM platform configuration***

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*including the second VM hash value (see p. 199, sec. 4.2); determining whether the current compound hash value is equal to the stored compound hash value; and executing the received request when the current compound hash value is equal to the stored compound hash value (See section 2, and see sec. 2.2).*

As per Claim 25: Garfinkel discloses, *The method of claim 24 wherein the VMM is loaded from firmware, the firmware including instructions compliant with an Extensible Firmware Interface (EFI) specification (See sec. 2.2, p.195-196, and p. 199, e.g., "firmware", "VM firmware", and see p.195, left col. Extensibility).*

As per Claim 26: Garfinkel discloses, *The method of claim 1 wherein sharing the trusted hardware device comprises multiplexing a first request from the first VM and a second request from the second VM to the trusted hardware device using the VMM multiplexer (See p. 194, right col., last paragraph, "multiplex", also see Figure 1).*

### ***Allowable Subject Matter***

6. Claims 1-3, 7-12, 15-19, 21-23 are allowed.

Claims 27 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ted T. Vo whose telephone number is (571) 272-3706. The examiner can normally be reached on 8:00AM to 4:30PM.

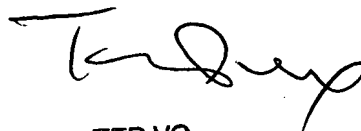
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wei Y. Zhen can be reached on (571) 272-3708.

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The facsimile number for the organization where this application or proceeding is assigned is the Central Facsimile number **571-273-8300**.

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: 571-272-2100. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TTV  
October 12, 2007

  
TED VO  
PRIMARY EXAMINER